

## PART 101-17 ASSIGNMENT AND UTILIZATION OF SPACE

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**PART 101-1 -- ACQUISITION OF REAL PROPERTY**

**101-18.001**

**Sec. 101-18.000 Scope of part.**

This part prescribes policies and procedures governing acquisition of interests in real property.

**Sec. 101-18.001 Authority.**

This part implements applicable provisions of the Federal Property and Administrative services Act Of 1949, as amended, 63 stat. 377 (40 u.s.c. 471 et seq.); the Act of August 27, 1935, as amended, 49 Stat. 886 (40 u.s.c. 304c); the Public Buildings Act Of 1959, as amended, Pub. L. 86-249, 73 stat. 479 (40 u.s.c. 601-615); the Public Buildings cooperative use Act Of 1976, Pub. L. 94-541, 90 stat. 2505; the uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, Pub. L. 91-646, 84 stat. 1894; the Federal urban Land-use Act, Pub. L. 90-577, 82 stat. 1104 (40 U.S.C. 531-535); the Rural Development Act of 1972, as amended, Pub. L. 92-419, 86 Stat. 657 (42 U.S.C. 3122); the Fair Housing Act, as amended, Pub. L. 90-284, 82 Stat. 81 (42 U.S.C. 3601 et seq.; Reorganization Plan No. 18 of 1950, 15 FR 3177, 64 stat. 1270 (40 U.S.C. 490 note); Executive order 12072, 43 FR 36869 (40 U.S.C. 490 note); and OMB circular A-95 (41 FR 2052).



**Sec. 101-18.100 Basic policy.**

(a) GSA Will lease privately owned land and building space only when needs cannot be satisfactorily met in Government-controlled space and:

(1) Leasing proves to be more advantageous than the construction of a new or alteration of an existing Federal building;

(2) New construction or alteration is not warranted because requirements in the community are insufficient or indefinite in scope or duration; or

(3) Completion of a new building within a reasonable time cannot be ensured.

(b) Available space in buildings under the custody and control of the United States Postal service (USPS) will be given priority consideration in fulfilling Federal agency space needs.

(c) Acquisition of space by lease will be on the basis most favorable to the Government, with due consideration to maintenance and operational efficiency, and only at charges consistent with prevailing scales for comparable facilities in the community.

(d) Acquisition of space by lease will be by negotiation except where the sealed bid procedure is required by 41 u.s.c. 253(a). Except as otherwise provided in 41 u.s.c. 253, full and open competition will be obtained among suitable available locations meeting minimum Government requirements.

(e) When acquiring space by lease, the provisions of sec. 101-17.205 regarding determination of the location of Federal facilities shall be strictly adhered to.

(f) When acquiring space by lease, the provisions of section 110(a) of the National Historic Preservation Act of 1966 (16 u.s.c. 470), as amended, regarding the use of historic properties shall be strictly adhered to.

**Sec. 101-18.101 Acquisition by GSA.**

(a) GSA will perform all functions of leasing building space, and land incidental thereto, for Federal agencies except as provided in this subpart.

(b) Officials or employees of agencies for which GSA will acquire leased space shall at no time, before or after a space request is submitted to GSA or after a lease agreement is made, directly or indirectly contact lessors, offerors, or potential offerors for the purpose of making oral or written representation or commitments or agreements with respect to the terms of occupancy of particular space, tenant improvements, alterations and repairs, or payment for overtime services, unless authorized by the Director of the Real Estate Division in the responsible GSA regional office or facility support center.

101-18.102(a)

**Sec. 101-18.102 Acquisition by other agencies.**

(a) Acquisitions of leased space by agencies possessing independent statutory authority to acquire such space are not subject to GSA approval or authority.

(b) Upon request, GSA will perform, on a reimbursable basis, all functions of leasing building space, and land incidental thereto, for Federal agencies possessing independent leasing authority.

(c) GSA reserves the right to accept or reject reimbursable leasing service requests on a case-by-case basis.

**Sec. 101-18.103 Agency cooperation.**

The heads of executive agencies shall:

(a) Cooperate with and assist the Administrator of General services in carrying out his responsibilities respecting office buildings and space;

(b) Take measures to give GSA early notice of new or changing space requirements;

(c) Seek to economize their requirements for space; and

(d) Continuously review their needs for space in and near the District of Columbia, taking into account the feasibility of decentralizing services or activities which can be carried on elsewhere without excessive costs or significant loss of efficiency.

**Sec. 101-18.104 Delegation of leasing authority.**

(a) Agencies are authorized to perform for themselves all functions with respect to the acquisition of leased space in buildings and land incidental thereto when the following conditions are met:

(1) The space may be leased for no rental, or for a nominal consideration of \$1.00 per annum, and shall be limited to terms not to exceed one (1) year;

(2) Authority has been requested by an executive agency and a specific delegation has been granted by the Administrator of General services;

(3) A categorical delegation has been granted by the Administrator of General services for space to accommodate particular types of agency activities, such as military recruiting offices or space for certain county level agricultural activities. A listing of categorical delegations is found at sec.

101-18.104-2; or

(4) The required space is found by the Administrator of General services to be wholly or predominantly utilized for the special purposes of

the agency to occupy such space and is not generally suitable for use by other agencies. Prior approval Of GSA shall be obtained before an agency initiates a leasing action involving 2,500 or more square feet of such special purpose space. The request for approval and a standard Form 81 shall be filed with the GSA regional office having jurisdiction in the area of the proposed leasing action as shown in sec. 101-17.4801. GSA's approval shall be based upon a finding that there is no vacant Government-owned or -leased space available that will meet the agency,s requirements.

A listing of special purpose space delegations is found at sec. 101-18.104-3.

(b) The Departments of Agriculture, commerce, and Defense may lease their own building space, and land incidental to its use, and provide for its operation, maintenance, and custody when the space is situated outside an urban center. such leases shall be for terms not to exceed five (5) years. A list of urban centers follows.

**LIST OF URBAN CENTERS:**

Aberdeen, SD: Brown County.	Allentown-Bethlehem-Easton, PA- NJ: Lehigh county, PA. Northampton County, PA. Warren, NJ.
Abilene, TX: Jones County. Taylor County.	Altoona, PA: Blair county.
Akron, OH: Portage County. Summit county.	Amarillo, TX: Potter County. Randall county.
Alaska: The entire state.	Anaheim-Santa Ana-Garden Grove, CA: Orange, County.
Albany, GA: Dougherty County.	Ann Arbor, MI: Washtenaw County.
Albany, IL: Whiteside County.	Asheville, NC: Buncombe county.
Albany, OR: Linn County.	Athens, GA: Clarke county.
Albany-Schenectady-Troy, NY: Albany County. Rensselaer county. Saratoga County. Schenectady county.	Atlanta, GA: Clayton County. Cobb county. De Kalb county. Fulton county. Gwinnett county.
Albuquerque, NM: Bernalillo county.	Atlantic City, NJ: Atlantic County
Alexandria, LA: Rapides Parish.	

PART 101-18 -- ACQUISITION OF REAL PROPERTY

101-18.104(b)

Augusta, GA-SC:  
Richmond County, GA.  
Aiken County, SC.

Augusta, ME:  
Kennebec County.

Austin, TX:  
Travis County.

Bakersfield, CA:  
Kern county.

Baltimore, MD:  
Baltimore City.  
Anne Arundel County.  
Baltimore County.  
Carroll County.  
Howard County.

Baton Rouge, LA:  
East Baton Rouge Parish.

Battle Creek, MI:  
Calhoun County.

Bay City, MI:  
Bay County.

Beaumont-Port Arthur, TX:  
Jefferson County.  
Orange County.

Billings, MT:  
Yellowstone County.

Binghamton, NY-PA:  
Broome County, NY.  
Tioga County, NY.  
Susquehanna County, PA.

Birmingham, AL:  
Jefferson County.

Bismarck, ND:  
Burleigh County.

Boise, ID:  
Ada County.

Boston, MA:  
Essex County.  
Middlesex County.  
Norfolk County.  
Plymouth County.  
Suffolk County.

Bridgeport, CT:  
Fairfield County.  
New Haven County.

Brockton, MA:  
Bristol County.  
Norfolk County.  
Plymouth County.

Brownsville-Earlingen-San  
Benito, TX:  
Cameron County.

Buffalo, NY:  
Erie County.  
Niagara County.

Burlington, VT:  
Chittenden County.

Butte, MT:  
Silver Bow County.

Calexico-El Centro, CA:  
Imperial County.

Canton, OH:  
Stark County.

Casper, WY:  
Narrona County.

Cedar Rapids, IA:  
Linn County.  
Champaign-urbana, IL:  
Champaign County.

Charleston, SC:  
Berkeley County.  
Charleston, County.

Charleston, WV:  
Kanawha County.

Charlotte, NC:  
Mecklenburg County.  
Union County.

Charlottesville, VA:  
Charlottesville City.  
Albemarle County.

Subpart 101-18.1 -- Acquisition by Lease

101-18.104(b)

Chattanooga, TN-GA:  
Hamilton County, TN.  
Walker County, GA.

Cheyenne, WY:  
Laramie County.

Chicago, IL:  
Cook County.  
Du Page County.  
Kane County.  
Lake County.  
McHenry County.  
Will County.

Cincinnati, OH-KY-IN:  
Clermont County, OH.  
Hamilton County, OH.  
Warren County, OH.  
Boone County, KY.  
Campbell County, KY.  
Kenton County, KY.  
Dearborn County, IN.

Cleveland, OH:  
Cuyahoga County.  
Geauga County.  
Lake County.  
Medina County.

Clinton, OK:  
Custer County.

Cody, WY:  
Park County.

Colorado Springs, Co:  
El Paso County.

Columbia, MO:  
Boone County.

Columbia, SC:  
Lexington County.  
Richland County.

Columbus, GA-AL:  
Chattahoochee County, GA.  
Muscogee County, GA.  
Russell County, AL.

Columbus, OH:  
Delaware County.  
Franklin County.  
Pickaway County.

Concord, NH:  
Merrimack County.

Corpus Christi, TX:  
Nueces County.

Dallas, TX:  
Collin County.  
Dallas County.  
Denton County.  
Ellis county.

Davenport-Rock Island-Moline,  
IA-IL:  
Scott County, IA.  
Henry County, IL.  
Rock Island County, IL.

Dayton, OH:  
Greene County.  
Miami County.  
Montgomery County.  
Preble County.

Decatur, IL:  
Macon County.

Denver, CO:  
Adams County.  
Arapahoe County.  
Boulder County.  
Denver County.  
Jefferson County.

Des Moines, IA:  
Polk County.

Detroit, MI:  
Macomb County.  
Oakland County.  
Wayne County.

Dubuque, IA:  
Dubuque County.

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Duluth-Superior, MN-WI:  
St. Louis County, MN.  
Douglas County, WI.

Durango, CO:  
Laplata County.

Durham, NC:  
Durham County.

Elkins, WV:  
Randolph County.

El Paso, TX:  
El Paso County.

Erie, PA:  
Erie County.

Eugene, OR:.  
Lane County.

Evansville, IN-KY:  
Vanderburgh County, IN.  
Warrick County, IN.  
Henderson County, KY.

Fall River, MA-RI:  
Bristol County, MA.  
Newport County, RI.

Fargo-Moorhead, ND-MN:  
Cass County, ND.  
Clay County, MN.

Fayetteville, NC:  
Cumberland County.

Fitchburg-Leominster, MA:  
Middlesex County.  
Worcester County.

Flint, MI:  
Genesee County.  
Lapeer County.

Fort Collins, CO:  
Larimer County.

Fort Lauderdale-Hollywood, FL:  
Broward County.

Fort Smith, AR-OK:  
Crawford County, AR.  
Sebastian County, AR.  
Le Flore County, OK.  
Sequoyah County, OK.

Fort Wayne, IN:  
Allen County.

Fort Worth, TX:  
Johnson County  
Tarrant County.

Frankfort, KY:  
Franklin County.

Fresno, CA:  
Fresno County.

Gadsden, AL:  
Etowah County.

Gainesville, FL:  
Alachua County.

Galveston-Texas City, TX:  
Galveston County.

Gary-Rammond-East Chicago, IN:  
Lake County.  
Porter County.

Grand Forks, ND:  
Grand Forks County.

Grand Island, NE:  
Hall County.

Grand Junction, CO:  
Mesa County.

Grand Rapids, MI:  
Kent County.  
Ottawa County.

Great Falls, MT:  
Cascade County.

Subpart 101-18.1 -- Acquisition by Lease

101-18.104(b)

Greeley, CO: Weld County.	Huron, SD: Beadle County.
Green Bay, WI: Brown County.	Idaho Falls, ID: Bonneville County.
Greensboro-High Point, NC: Guilford County.	Indianapolis, IN: Hamilton County. Hancock County. Hendricks County. Johnson County. Marion County. Morgan County. Shelby County.
Greenville, SC: Greenville County. Pickens County.	
Greenwood, Ms: Le Flore County.	
Hamilton-Middletown, OH: Butler County.	Jackson, MI: Jackson County.
Harrisburg, PA: Cumberland County. Dauphin County. Perry County.	Jackson, MS: Hinds County. Rankin County.
Hartford, CT: Hartford County. Middlesex County. Tolland County.	Jackson, TN: Madison County.
Hawaii: The entire state.	Jacksonville, FL: Duval County.
Helena, MT: Lewis and Clark County.	Jefferson City, MO: Cole County.
Hot springs, AR: Garland County.	Jersey City, NJ: Hudson County.
Houston, TX: Harris County.	Johnstown, PA: Cambria County. Somerset County.
Huntington-Ashland, WV-KY-OH: Cabell County, WV. Wayne County, WV. Boyd County, KY. Lawrence County, OH	Kalamazoo, MI: Kalamazoo County.
Huntsville, AL: Limestone County. Madison County.	Kansas City, MC-KS: Cass County, MO. Clay County, MO. Jackson County, MO. Platte County, MO. Johnson County, KS. Wyandotte County, KS.

PART 101-18 -- ACQUISITION OF REAL PROPERTY

101-18.104(b)

Kenosha, WI:  
Kenosha County.

Logan, UT:  
Cache County.

Klamath Falls, OR:  
Klamath County.

Lorain-Elyria, OH:  
Lorain County.

Knoxville, TN:  
Anderson County.  
Blount County.  
Knox County.

Los Angeles-Long Beach, CA:  
Los Angeles County.

Lafayette, LA:  
Lafayette Parish.

Louisville, KY-IN:  
Jefferson County, KY.  
Clark County, IN.  
Floyd County, IN.

Lake Charles, LA:  
Calcasieu Parish.

Lowell, MA:  
Middlesex County.

Lancaster, PA:  
Lancaster County.

Lubbock, TX:  
Lubbock County.

Lansing, MI:  
Clinton County.  
Eaton County.  
Ingham County.

Lynchburg, VA:  
Lynchburg City.  
Amherst County.  
Campbell County.

Laredo, TX:  
Webb County.

Macon, GA:  
Bibb County.  
Houston County.

Las Vegas, NV  
Clark County.

Lawrence-Haverhill, MA-NH:  
Essex County, MA.  
Rockingham County, NH.

Madison, WI:  
Dane County.

Lawton, OK:  
Comanche County.

Manchester, NH:  
Hillsborough County.  
Merrimack County.

Lewiston-Auburn, ME:  
Androscoggin County.

Manhattan, KS:  
Riley County.

Lexington, KY:  
Fayette County.

McCook, NE:  
Red Willow County.

Lima, OH:  
Allen County.

Medford, OR:  
Jackson County.

Lincoln, NE:  
Lancaster County.

Memphis, TN-AR:  
Shelby County, TN.  
Crittenden County, AR.

Little Rock-North Little Rock,  
AR:  
Pulaski County.

Meriden, CT:  
New Haven County.



Subpart 101-18.1 -- Acquisition by Lease

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Meridian, MS: Lauderdale County.	New Bedford, MA: Bristol County. Plymouth County.
Miami, FL: Dade County	New Britain, CT: Hartford County.
Midland, TX: Midland County.	New Haven, CT: New Haven County.
Milwaukee, WI: Milwaukee County. Ozaukee County. Waukesha County.	New London-Groton-Norwich, CT: New London County.
Minneapolis-St. Paul, MN: Anoka County. Dakota County. Hennepin County. Ramsey County. Washington County.	New Orleans, LA: Jefferson Parish. Orleans Parish. St. Bernard Parish. St. Tammany Parish.
Missoula, MT: Missoula County.	Newport News-Hampton, VA: Hampton City. Newport News City. York County.
Mobile, AL: Baldwin County. Mobile County.	New York, NY: Bronx County. Kings County. Nassau County. New York County. Queens County. Richmond County. Rockland County. Suffolk County. Westchester County.
Monroe, LA: Ouachita Parish.	
Montgomery, AL: Elmore County. Montgomery County.	
Morgantown, WV: Monongahela County.	Norfolk-Portsmouth, VA: Chesapeake City. Norfolk City. Portsmouth City. Virginia Beach City
Muncie, IN: Delaware County.	
Muskegon-Muskegon Heights, MI: Muskegon County.	Norwalk, CT: Fairfield County.
Muskogee, OK: Muskogee County.	Odessa, TX: Ector County.
Nashville, TN: Davidson County. Sumner County. Wilson County.	Ogden, UT: Weber County.
Newark, NY: Essex County. Morris County. Union County.	Oklahoma City, OK: Canadian County. Cleveland County. Oklahoma County.

Olympia, WA: Thurston County.	Portland, ME: Cumberland County.
Omaha, NE-IA: Douglas county, NE. Sarpy county, NE. Pottawattamie County, IA.	Portland, OR-WA: Clackamas County, OR. Multnomah County, OR: Washington County, OR. Clark County, WA.
Orlando, FL: Orange County. Seminole County.	Portsmouth, NE: Rockingham County.
Parkersburg, WV: Wood County.	Providence-Pawtucket-Warwick, RI-MA: Bristol County, RI. Kent County, RI. Newport County, RI. Providence County, RI. Washington County, RI. Bristol County, MA. Norfolk County, MA. Worcester County, MA.
Paterson-Clifton-Passaic, NJ: Bergen County. Passaic County.	
Pensacola, FL: Escambia County. Santa Rosa County.	
Peoria, IL: Peoria County. Tazewell County. Woodford County.	Provo-Orem, UT: Utah County.
Philadelphia, PA-NJ: Bucks County, PA. Chester County, PA. Delaware County, PA. Montgomery County, PA. Philadelphia County, PA. Burlington County, NJ. Camden County, NJ. Gloucester County, NJ.	Pueblo, CO: Pueblo County.
	Puerto Rico: The entire Commonwealth.
	Racine, WI: Racine County.
	Raleigh, NC: Wake County.
Phoenix, AZ: Maricopa County.	Rapid City, SD: Pennington County.
Pierre, SD: Hughes County.	Reading, PA: Berks County.
Pittsburgh, PA: Allegheny County. Beaver County. Washington County. Westmoreland County.	Reno, NV: Washoe County.
Pittsfield, MA: Berkshire County.	Richmond, VA: Richmond City. Chesterfield County. Hanover County. Henrico County.

**Subpart 101-18.1 -- Acquisition by Lease**

**101-18.104(b)**

Roanoke, VA:  
Roanoke City.  
Roanoke County.

Rochester, NY:  
Livingston County.  
Monroe County.  
Orleans County.  
Wayne County.

Rockford, IL:  
Boone County.  
Winnebago County.

Rolla, MO:  
Phelps County.

Rome, GA:  
Floyd County.

Sacramento, CA:  
Placer County.  
Sacramento County.  
Yolo County.

Saginaw, MI:  
Saginaw County.

St. Albans, VT:  
Franklin County.

St. Joseph, MO:  
Buchanan County.

St. Louis, MO-IL:  
St. Louis City, MO.  
Jefferson County, MO.  
St. Charles County, MO.  
St. Louis County, MO.  
Madison County, IL.  
St. Clair County, IL.

Salem, OR:  
Marion County.  
Polk County.

Salina, KS:  
Saline County.

Salisbury, MD:  
Wicomico County.

Salt Lake City, UT:  
Davis County.  
Salt Lake County.

San Angelo, TX:  
Tom Green County.

San Antonio, TX:  
Bexar County.  
Guadalupe County.

San Bernardino-Riverside-  
Ontario, CA:  
Riverside County.  
San Bernardino County.

San Diego, CA:  
San Diego County.

San Francisco--Oakland, CA:  
Alameda County.  
Contra Costa County.  
Marin County.  
San Francisco County.  
San Mateo, County.

San Jose, CA:  
Santa Clara County.

Santa Barbara, CA:  
Santa Barbara County.

Santa Fe, NM:  
Santa Fe County.

Savannah, GA:  
Chatham County.

Scottsbluff, NE:  
Scotts Bluff County.

Scranton, PA:  
Lackawanna County.

Seattle-Everett, WA:  
King County.  
Snohomish County.

Sheridan, WY:  
Sheridan County

Shreveport, LA:  
Bossier Parish.  
Caddo Parish.

Sioux City, IA-NE:  
Woodbury County, IA.  
Dakota County, NE.

PART 101-18 ACQUISITION OF REAL PROPERTY

101-18.104(b)

Sioux Falls, SD:  
Minnehaha County.

South Bend, IN:  
St. Joseph County.  
Marshall County.

Spartanburg, SC:  
Spartanburg County.

Spokane, WA:  
Spokane County.

Springfield-Chicopee-Holyoke,  
MA:  
Hampden County.  
Hampshire County.  
Worcester County.

Springfield, IL:  
Sangamon County.

Springfield, MO:  
Greene County.

Springfield, OH:  
Clark County.

Stamford, CT:  
Fairfield County.

Steubenville-Weirton,  
Jefferson County, OH.  
Brooke County, WV.  
Hancock County, WV.

Stillwater, OK:  
Payne County.

Stockton, CA:  
San Joaquin County.

Syracuse, NY:  
Madison County.  
Onondaga County.  
Oswego County.

Tacoma, WA:  
Pierce County.

Tallahassee, FL:  
Leon County.

Tampa-St. Petersburg, FL:  
Hillsborough County.  
Pinellas County.

Temple, TX:  
Bell County.

Terre Haute, IN:  
Clay County.  
Sullivan County.  
Vermillion County.  
Vigo County.

Texarkana, TX-AR:  
Bowie County, TX.  
Miller County, AR.

Toledo, OH-MI:  
Lucas County, OH.  
Wood County, OH.  
Monroe County, MI.

Topeka, KS:  
Shawnee County.

Trenton, NJ:  
Mercer County.

Tucson, AZ:  
Pima County.

Tulsa, OK:  
Creek County.  
Osage County.  
Tulsa County.

Tuscaloosa, AL:  
Tuscaloosa County.

Tyler, TX:  
Smith County.

Utica-Rome, NY:  
Herkimer County.  
Oneida County.

Vallejo-Napa, CA:  
Napa County.  
Solano County.

Vicksburg, MS:  
Warren County.

Virgin Islands:  
The entire Territory.

**Subpart 101-18.1 -- Acquisition by Lease**

**101-18.104(b)**

Waco, TX:  
McLennan County.

Wichita Falls, TX:  
Archer County.  
Wichita County.

Walla Walla, WA:  
Walla Walla County.  
Benton County.

Wilkes Barre-Bazleton, PA:  
Luzerne County.

Washington, DC-MD-VA:  
District of Columbia.  
Montgomery County, MD.  
Prince Georges County, MD.  
Alexandria City, VA.  
Fairfax City, VA.  
Falls Church, VA.  
Arlington County, VA.  
Fairfax County, VA.

Wilmington, DE-NJ-MD:  
New Castle County, DE.  
Salem County, NJ.  
Cecil County, MD.

Wilmington, NC:  
New Hanover County.

Winston-Salem, NC:  
Forsyth County.

Waterbury, CT:  
Litchfield County.  
New Haven County.

Worcester, MA:  
Worcester County.

Waterloo, IA:  
Black Hawk County.

Yakima, WA:  
Yakima County.

Wenatchee, WA:  
Chelan County.

York, PA:  
Adams County.  
York County.

West Palm Beach, FL:  
Palm Beach County.

Youngstown-Warren, OH:  
Mahoning County.  
Trumbull county.

Wheeling, WV-OH:  
Marshall County, WV.  
Ohio County, WV.  
Belmont County, OH.

Yuma, AZ:  
Yuma County.

Wichita, KS:  
Butler County.  
Sedgwick County.

(c) The Administrator of General services has granted specific delegations of lease acquisition authority which designate urban or major urban centers different from those listed in paragraph (b) of this section. The above list does not supersede or alter in any way leasing areas which are attached to such specific delegations. Agencies may continue to exercise the leasing authority granted in specific delegations in the manner and to the extent provided in those delegations.

**Sec. 101-18.104-1 Limitations on the use of delegated authority.**

(a) The authority granted in and pursuant to this subpart shall be exercised in accordance with the requirements and limitations of the Federal Property and Administrative Services Act of 1949, as amended; the Budget Enforcement Act of 1990 and OMB Bulletin 91-02, Part B; Federal Property Management Regulations, subchapter D, those authorities listed in sec. 101-18.001; and other applicable laws and regulations, including the General Services Administration Acquisition Regulation (GSAR), the Competition in Contracting Act (CICA), and other OMB requirements.

(b) Pursuant to GSA's long-term leasing authority contained in section 210(h)(1) of the Federal Property and Administrative Services Act of 1949, as amended, (40 U.S.C. 490(h)(1)), agencies delegated the authorities outlined herein may enter into leases for the terms specified. In those cases where agency special purpose space delegations include the authority to acquire unimproved land, the land may be leased only on a fiscal year basis.

(c) In accordance with section 7(a) of the Public Buildings Act of 1959, as amended (40 U.S.C. 606), agencies must submit a prospectus to the Administrator of General Services for leases involving a net annual rental in excess of \$1.6 million excluding services and utilities. (NOTE: The thresholds for prospectuses are indexed, and change each year.)

(d) Agencies having a need for other than temporary parking accommodations in the urban centers listed in sec. 101-18.102, for Government-owned motor vehicles not regularly housed by GSA, shall ascertain the availability of Government-owned or -controlled parking from GSA in accordance with the procedures outlined in sec. 101-17.202-2 prior to instituting procurement action to acquire parking facilities or services.

**Sec. 101-18.104-2 Categorical space delegations.**

subject to the limitations cited in sec. 101-18.104-1, agencies are authorized to acquire the types of space listed in (a) through (p), below. Except where otherwise noted, leases may be for terms, including all options, of up to 20 years. The types of space subject to categorical space delegations may be located inside or outside urban centers and are as follows:

- (a) Space to house antennas, repeaters, or transmission equipment;
- (b) Depots, including, but not limited to, stockpiling depots and torpedo net depots;
- (c) Docks, piers, and mooring facilities (including closed storage space required in combination with such facilities);
- (d) Fumigation areas;
- (e) Garage space (may be leased only on a fiscal year basis);
- (f) Greenhouses;
- (g) Hangars and other airport operating facilities including, but not limited to, flight preparation space, aircraft storage areas, and repair shops;

**Subpart 101-18.1 -- Acquisition by Lease**

**101-18.104-2(h)**

- (h) Hospitals, including medical clinics;
- (i) Housing (temporary), including hotels (does not include quarters obtained pursuant to temporary duty travel or employee relocation);
- (j) Laundries;
- (k) Quarantine facilities for plants, birds and other animals;
- (l) Ranger stations; i.e., facilities which typically include small offices staffed by one or more uniformed employees, and may include sleeping/family quarters, parking areas, garages, and storage space. Office space within ranger stations is minimal and does not comprise a majority of the space. (may also be referred to as guard stations, information centers, or kiosks.)
- (m) Recruiting facilities for the armed forces (lease terms, including all options, limited to 5 years);
- (n) Schools directly related to the special purpose functions) of an agency;
- (o) Specialized storage/depot facilities, such as cold storage; selfstorage units; and lumber, oil, gasoline, shipbuilding materials, and pesticide materials/equipment storage (general purpose warehouse type storage facilities not included);
- (p) space for short-term use as provided in sec. 101-17.203 (lease terms limited to 180 days with extensions granted on a case-by-case basis).

**Sec. 101-18.104-3 Agency special purpose space delegations.**

Subject to the limitations cited in sec. 101-18.104-1, the agencies listed below are authorized to acquire the types of space associated with that agency. Except where otherwise noted, agency special purpose space may be leased for terms, including all options, of up to 20 years. The agencies and types of space subject to special purpose space delegations are as follows:

- (a) Department of Agriculture:
  - (1) Cotton classing laboratories (lease terms, including all options, limited to 5 years);
  - (2) Land (if unimproved, may be leased only on a fiscal year basis);
  - (3) Miscellaneous storage by cubic foot or weight basis;
  - (4) Office space when required to be located in or adjacent to stockyards, produce markets, produce terminals, airports, and other ports (lease terms, including all options, limited to 5 years);
  - (5) Space for agricultural commodities stored in licensed warehouses and utilized under warehouse contracts;
  - (6) Space utilized in cooperation with state and local governments or their instrumentalities (extension services) where the cooperating state or local government occupies a portion of the space and pays a portion of the rent.

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**101-18.104-3**

(b) Department of Commerce:

- (1) Census Bureau - Space required in connection with conducting the decennial census (lease terms, including all options limited to 5 years);
- (2) Laboratories for testing materials, classified or ordnance devices, calibration of instruments, and atmospheric and oceanic research (lease terms, including all options, limited to 5 years);
- (3) Maritime training stations;
- (4) Radio stations;
- (5) Land (if unimproved, may be leased only on a fiscal year basis);
- (6) National weather service meteorological facilities.

(c) Department of Defense:

- (1) Air Force - Civil Air Patrol Liaison offices and land incidental thereto when required for use incidental to, in conjunction with, and in close proximity to airports, including aircraft and warning stations (if unimproved, land may be leased only on a fiscal year basis; for space, lease terms, including all options, limited to 5 years);
  - (2) Armories;
  - (3) Film library in the vicinity of Washington, DC;
  - (4) Leased building at Air Force Base, Jackson, MS;
  - (5) Mess halls;
  - (6) Ports of embarkation and debarkation;
  - (7) Post exchanges;
  - (8) Postal concentration Center, Long Island City, NY;
  - (9) Recreation centers;
  - (10) Reserve training space;
  - (11) Service clubs;
  - (12) Testing laboratories (lease terms, including all options, limited to 5 years).
- (d) Department of Energy: Facilities housing the special purpose or special location activities of the old Atomic Energy commission.
- (e) Federal communications commission: Monitoring station sites.



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### **101-18.104-3**

(f) Department of Health and Human services: Laboratories (lease terms, including all options, limited to 5 years).

(g) Department of the Interior:

(1) Space in buildings and land incidental thereto used by field crews of the Bureau of Reclamation, Bureau of Land management, and the Geological survey in areas where no other Government agencies are quartered (if unimproved, land may be leased only on a fiscal year basis);

(2) National Parks/Monuments visitors centers consisting primarily of special purpose space (e.g., visitor reception, information, and rest room facilities) and not general office or administrative space.

(h) Department of Justice:

(1) U.S. Marshals office in any Alaska location (lease terms, including all options, limited to 5 years);

(2) Border Patrol offices similar in character and utilization to police stations, involving the handling of prisoners, firearms, and motor vehicles, regardless of location (lease terms, including all options, limited to 5 years);

(3) Space used for storage and maintenance of surveillance vehicles and seized property (lease terms, including all options, limited to 5 years);

(4) Space used for review and custody of records and other evidentiary materials (lease terms, including all options, limited to 5 years);

(5) Space used for trial preparation for periods of less than 1 year where space is not available in Federal Buildings, Federal courthouses, USPS facilities, or GSA-leased buildings (lease terms limited to not more than year).

(i) Office of Thrift supervision: space for field offices of Examining Divisions required to be located within office of Thrift supervision buildings or immediately adjoining or adjacent to such buildings (lease, terms, including all options, limited to 5 years).

(j) Department of Transportation:

(1) Federal Aviation Administration

(i) Land at airports (if unimproved, land may be leased only on a fiscal year basis);

(ii) Not to exceed 10,000 square feet of space at airports that is used predominantly as general purpose office space in buildings under the jurisdiction of public or private airport authorities (lease terms, including all options, limited to 5 years);

(2) U.S. Coast Guard:

(i) Space for the oceanic unit at Woods Hole, MA;

(ii) Space for port security activities.

(k) Department of the Treasury:

(1) Comptroller of the currency - space and land incidental thereto for the use of the comptroller of the currency, as well as the operation, maintenance and custody thereof (if unimproved, land may be leased only on a fiscal year basis; for space, lease term, including all options, limited to 5 years);

(2) U.S. customs service - Aerostat radar facilities necessary for agency mission activities;

(1) Department of Veterans Affairs:

(1) Guidance and training centers located at schools and colleges;

(2) Space used for veterans hospitals, including outpatient and medical-related clinics, such as drug, mental health, and alcohol.

**Sec. 101-18.105 Contingent fees and related procedure.**

The provisions of subpart 3.4 of Title 48 with respect to contingent fees and related procedure are hereby made applicable to all negotiated and sealed bid contracts for the acquisition of real property by lease. The representations and covenants required by that subpart shall be appropriately adapted for use in leases of real property for Government use.

**Sec. 101-18.106 Application of socioeconomic considerations.**

(a) In acquiring space by lease, agencies will avoid locations which will work a hardship on employees because (1) there is a lack of adequate low- and moderate-income nondiscriminatory housing for employees within reasonable proximity to the location, and (2) the location is not readily accessible from other areas of the community.

(b) Consideration of low- and moderate-income nondiscriminatory housing for employees and the need for development and redevelopment of areas for socioeconomic improvement will apply to the acquisition of space by lease where:

(1) 100 or more low- or moderate-income employees are expected to be employed in the space to be leased; and

(2) The proposed leasing action involves residential relocation of a majority of the existing low- and moderate-income work force, a significant increase in their transportation or parking costs, travel time that exceeds 45 minutes to the new location, or a 20 percent increase in travel time if travel time to present facility already exceeds an average of 45 minutes; or

(3) GSA requests Department of Housing and urban Development (HUD) review in lease actions of special importance not covered by paragraphs (b)(1) and (2) of this section.

**Subpart 101-18.1 Acquisition by Lease**

**101-18.106(c)**

(c) HUD, as the agency responsible for providing information concerning the availability of nondiscriminatory low- and moderate- income housing in areas where Federal facilities are to be located, shall be consulted when such information is required.

(d) Other socioeconomic considerations described in sec. 101-19.101 are also applicable to lease acquisitions.

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## SUBPART 101-18.2 ACQUISITION BY PURCHASE OR CONDEMNATION

101-18.201 (d)(2)

### Subpart 101-18.2 -- Acquisition by Purchase or Condemnation

#### Sec. 101-18.200 Purpose.

These regulations will:

- (a) Encourage and expedite the acquisition of real property by agreements with owners;
- (b) Avoid litigation where possible and relieve congestion in the courts;
- (c) Insure consistent treatment of owners in the many Federal programs; and
- (d) Promote public confidence in Federal land acquisition practices.

#### Sec. 101-18.201 Basic acquisition policy.

GSA, to the greatest extent practicable, will:

- (a) Make every reasonable effort to acquire expeditiously real property by negotiation.
- (b) Appraise real property before the initiation of negotiations and give the owner or his designated representative an opportunity to accompany the appraiser during his inspection of the property.
- (c) Establish, prior to the initiation of negotiations for real property, an amount estimated to be the just compensation therefore and make a prompt offer to acquire the property for the full amount so established. GSA will provide the owner of the real property to be acquired with a written statement of the amount established as just compensation and a summary of the basis for it. Where appropriate, the just compensation for the real property acquired and for damages to remaining real property will be separately stated. The summary statement to be furnished the owner will include the following:
  - (1) Identification of the real property and the estate or interest therein to be acquired;
  - (2) Identification of the buildings, structures, and other improvements considered to be part of the real property for which the offer of just compensation is made;
  - (3) A statement that GSA's determination of just compensation is based on the estimated fair market value of the property to be acquired. If only part of the property is to be acquired or the interest to be acquired is less than the full

interest of the owner, the statement will explain the basis for the determination of the just compensation;

(4) A statement that GSA's determination of just compensation is not less than its approved appraisal of the property; and

(5) A statement that any increase or decrease in the fair market value of the real property, prior to the date of valuation, caused by the public improvement or project for which the real property is to be acquired, or by the likelihood that the real property would be acquired for such improvement or project, other than that due to physical deterioration within the reasonable control of the owner, has been disregarded in making the determination of just compensation for the property.

(d) Acquire at least an equal interest in all buildings, structures, or other improvements located on the real property. This includes buildings, structures, or other improvements that GSA requires to be removed from the real property or that GSA determines will affect adversely the proposed use of the real property. If any buildings, structures, or other improvements comprising part of the real property are the property of an occupant who has the right or obligation to remove them at the expiration of his term, the total just compensation for the real property, including the property of the occupant, will be determined and the occupant will be paid the greater of the:

(1) Fair market value of the buildings, structures, or other improvements to be removed from the property; or

(2) Contributive fair market value of the occupant's improvements to the fair market value of the entirety, which value should not be less than the value of his improvements for removal from the real property. Payment under this paragraph (d) of this section will not be a duplication of any payment otherwise authorized by law. No payment will be made unless the landowner disclaims all interests in the occupant's improvements and the occupant in consideration for such payment shall assign, transfer, and release to the Government all his right, title, and interest in and to such improvements. The occupant may reject payment under this paragraph (d) of

**101-18.201(d)(2)**

this section and obtain payment for his property interests in accordance with other applicable laws.

(e) Obtain only one appraisal on each parcel, tract, etc., of real property to be acquired unless GSA determines that circumstances require and additional appraisal or appraisals.

(f) Maintain records to verify that the landowner or his designated representative(s) was given and opportunity to accompany the appraiser during the inspection of the real property.

(g) Pay an owner or occupant or deposit such payment in the registry of the court before requiring him to surrender his property. To the maximum extent practicable, owners and occupants will be given at least 90 days' notice of displacement before being required to move from real property acquired by GSA. If permitted by GSA to remain in possession for a short period of time after Government acquisition, the rental charged for this occupancy will not be more than the fair rental value of the property to a short-term occupier.

(h) Not intentionally make it necessary for an owner to institute legal proceedings to prove the fact of the taking

of his property. Offer to acquire the entire property where the acquisition of a part of a property will leave the owner with an uneconomic remnant.

**Sec. 101-18.202 Expenses incidental to transfer.**

GSA will amend its contract-to-sell-real-property forms to provide for reimbursement to vendors in amounts deemed by GSA to be fair and reasonable for the following expenses:

(a) Recording fees, transfer taxes (other than tax imposed on the United States), and similar expenses incidental to conveying the real property;

(b) Penalty cost for prepayment of any preexisting recorded mortgage entered into in good faith encumbering said real property; and

(c) The pro rata portion of real property taxes paid by the vendor for periods subsequent to the day title vests in the United States.

**Sec. 101-18.203 Litigation expenses.**

GSA will plan for and take into consideration the possible liability for the payment of litigation expenses of a condemnee as provided for in section 304 of the Act.

Subpart 101-18.3--[Reserved]

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